

Senate Chamber, Atlanta, Georgia
Tuesday, February 28, 2006
Twenty-fourth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 363. By Representatives Murphy of the 23rd, Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to change the requirements regarding replating of private and governmental motor vehicles; to increase the license fee on governmental vehicles; to provide for disposition of the license fee on governmental vehicles; to remove the provisions regarding five-year license plates on governmental vehicles; to change the requirements as to destruction of tags from governmental vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1023. By Representatives Franklin of the 43rd, Forster of the 3rd, Willard of the 49th, Lane of the 167th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that a person must have reached the age of majority to contract marriage; to repeal an exception to such age requirement in the case of pregnancy or live

birth; to remove an exception to parental consent based upon pregnancy or live birth; to repeal conflicting laws; and for other purposes.

HB 1145. By Representatives Ralston of the 7th, Mumford of the 95th and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to mental health proceedings; to provide for definitions; to reorganize certain provisions of the article for clarity; to require a child to be represented by an attorney if the child is being evaluated for competency; to change certain provisions relating to the content of an evaluator's report; to provide for least restrictive environments, where possible; to provide certain information to victims; to provide for disposition where a child will not become competent; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1170. By Representatives Parsons of the 42nd, Williams of the 4th, Hembree of the 67th, Heard of the 104th, Smith of the 70th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examination fees for application for certificate of registration; to repeal conflicting laws; and for other purposes.

HB 1250. By Representatives Barnard of the 166th and Greene of the 149th:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, so as to change the repeal date of the "Probation Management Act of 2004"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1292. By Representatives Keown of the 173rd, Neal of the 1st, Mills of the 25th, Buckner of the 130th, Borders of the 175th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to create a prison chaplains appreciation day; to repeal conflicting laws; and for other purposes.

HB 1366. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolutions of the House:

HR 1081. By Representatives Smith of the 113th, Ehrhart of the 36th, Harbin of the 118th, Royal of the 171st, Floyd of the 147th and others:

A RESOLUTION creating the Joint Higher Education Finance and Formula Study Committee; and for other purposes.

HR 1259. By Representative Barnard of the 166th:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Chatham, Coweta, Douglas, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

The House has agreed to the Senate amendment to the following Bill of the House:

HB 978. By Representatives Hill of the 21st and Smyre of the 132nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards Commission; to provide for its membership and appointment; to provide for the terms of members of the commission and the filling of vacancies; to provide for duties and responsibilities; to provide a definition; to provide for the acceptance of certain funds; to provide limitations on the consideration and passage of bills and resolutions authorizing or requiring the display of certain artwork; to provide for related matters; to repeal Code Section 50-16-5.2 of the Official Code of

Georgia Annotated, relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and for other purposes.

The following communication was received by the Secretary:

Senator Eric Johnson
District 1
321 State Capitol
Atlanta, GA 30334

Committees:

Appropriations
Ethics
Finance
Natural Resources and the Environment
Regulated Industries and Utilities
Rules

The State Senate
Atlanta, Georgia 30334

February 28, 2006

TO: Bob Ewing
Secretary of the Senate

FROM: Senate Committee on Assignments

Subject: Ex-Officio Member for the Senate Judiciary Committee

The Committee on Assignments has appointed one ex-officio member to the Senate Judiciary Committee to serve for the remainder of the 2006 session. The Senator appointed to serve as an ex-officio member is:

Senator Mitch Seabaugh

Please contact us if you have further questions.

/s/ Eric Johnson

The following Senate legislation was introduced, read the first time and referred to committee:

SB 594. By Senators Meyer von Bremen of the 12th, Golden of the 8th, Thompson of the 5th, Brown of the 26th and Reed of the 35th:

A BILL to be entitled an Act to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for

certain purposes, so as to provide for weighting of grades for honors, advanced placement, and international baccalaureate courses for purposes of determining eligibility for postsecondary scholarships, grants, or loans; to provide for the establishment of minimum state-wide standards for honors courses; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 595. By Senators Meyer von Bremen of the 12th, Golden of the 8th, Thompson of the 5th, Brown of the 26th and Reed of the 35th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to change the dates relating to the reporting system for purposes of qualification for the HOPE scholarship; to provide for notice; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 596. By Senators Shafer of the 48th, Cagle of the 49th, Carter of the 13th, Kemp of the 46th, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Title 31 of the O.C.G.A., relating to health, so as to provide a short title; to provide legislative intent and findings; to provide definitions; to create the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid; to provide for donations and information concerning donations; to provide for certain procedures and costs and fees associated with such bank; to provide for the creation of the Georgia Commission for the Newborn Umbilical Cord Blood Initiative and the membership, appointment, terms of office, and duties of such commission; to provide for certain funding mechanisms; to prohibit human cloning; to provide for civil and criminal penalties; to provide for related matters; to amend Article 3 of Chapter 7 of Title 48 of the O.C.G.A., relating to income tax returns and information, so as to authorize taxpayers to make certain contributions through the income tax payment and refund process; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 597. By Senators Pearson of the 51st, Balfour of the 9th, Cagle of the 49th, Powell of the 23rd, Schaefer of the 50th and others:

A BILL to be entitled an Act to amend Code Section 48-5-311 of the Official Code of Georgia Annotated, relating to county boards of equalization and tax appeal procedures, so as to change certain provisions regarding recovery of certain appeal costs by a taxpayer; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

- SB 598. By Senators Mullis of the 53rd, Cagle of the 49th, Stephens of the 27th, Kemp of the 46th, Schaefer of the 50th and others:

A BILL to be entitled an Act to amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the state sexual offender registry, so as to provide for certain requirements before a registered sex offender may enter a school, day-care center, or similar facility; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 599. By Senators Tolleson of the 20th, Cagle of the 49th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to professional engineers and land surveyors, so as to change a definition; to change requirements for eligibility for certification as a land surveyor-in-training and for a certificate of registration as a land surveyor; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Regulated Industries and Utilities Committee.

- SB 600. By Senators Fort of the 39th, Tate of the 38th, Thomas of the 2nd, Seay of the 34th and Zamarripa of the 36th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the death penalty generally, so as to provide for a moratorium on the administration of a death sentence; to

provide a statement of legislative findings; to provide for conflicts and construction; to provide for applicability; to provide for automatic repeal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

SB 601. By Senators Mullis of the 53rd and Thomas of the 54th:

A BILL to be entitled an Act to amend Chapter 5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Public Safety Training Center, so as to authorize the training center to provide training for emergency medical personnel; to change certain provisions relating to the Georgia Public Safety Training Center; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 602. By Senators Smith of the 52nd, Mullis of the 53rd, Kemp of the 46th and Stephens of the 27th:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to powers and duties of the Department of Human Resources with respect to mental health, so as to require the privatization of one or more state facilities for the treatment of mental illness; to provide for contracts; to provide for requirements for the operation of the treatment facility or facilities; to provide for the continued employment for current employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 603. By Senators Thomas of the 54th, Goggans of the 7th, Balfour of the 9th, Williams of the 19th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the O.C.G.A., relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the O.C.G.A., relating to nurses, so as to provide for a definition; to provide for enactment of rules and regulations affecting advanced practice registered nurses; to amend Article 2 of Chapter 34 of Title 43 of the O.C.G.A., relating to the physicians, so as to provide for a physician to delegate certain medical acts to allow an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical

devices, and in certain life-threatening situations to order radiographic imaging; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 604. By Senators Harp of the 29th, Tolleson of the 20th and Harbison of the 15th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to current use assessment for bona fide conservation use property, residential transitional property, application procedures, penalties for breach of covenant, classification on tax digest, and annual report, so as to change certain provisions relating to buffers adjacent to rivers or perennial streams; to provide for current use assessment for certain undeveloped land areas within buffer zones established by law or local ordinance adjacent to rivers, perennial streams, or reservoirs; to provide for exemptions from certain covenant and penalty provisions; to provide for loss current use assessment in certain circumstances; to provide an effective date; to provide for applicability; to provide for to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 605. By Senators Harp of the 29th, Hamrick of the 30th, Henson of the 41st, Balfour of the 9th, Adelman of the 42nd and others:

A BILL to be entitled an Act to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to provide for direct loans to students for attendance at certain postsecondary institutions at the rate of 1 percent annually; to provide for definitions; to provide for the maximum amount of such loans; to provide for eligibility requirements; to provide for the random selection of recipients of such loans from eligible applicants; to provide for a fund for such loans that is separate from the general loan fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Higher Education Committee.

SB 606. By Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial

services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 607. By Senator Smith of the 52nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to prohibit certain activities in certain business establishments; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SR 1025. By Senator Kemp of the 46th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for dedication of certain revenue derived from fees from the sale of specially designed license plates to a state department or commission for purposes of supporting and promoting the equine industry in this state and further provide that such funds shall not lapse; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SR 1027. By Senators Wiles of the 37th, Harp of the 29th, Hamrick of the 30th, Balfour of the 9th and Adelman of the 42nd:

A RESOLUTION creating the Senate Study Committee on Court Surcharges and Additional Fines; and for other purposes.

Referred to the Judiciary Committee.

SR 1030. By Senators Fort of the 39th, Tate of the 38th, Thomas of the 2nd, Seay of the 34th and Zamarripa of the 36th:

A RESOLUTION creating the Georgia Capital Punishment Study Commission to study the death penalty; to provide for the powers, duties, and compensation of its members; to urge the suspension of executions until such time as a report

from such study commission is submitted to the General Assembly; and to urge the General Assembly to act in response to recommendations from the study commission; and for other purposes.

Referred to the Judiciary Committee.

SR 1034. By Senator Goggans of the 7th:

A RESOLUTION celebrating the life of SGT Mathew Vincent Gibbs and dedicating the SGT Mathew Vincent Gibbs Memorial Bridge; and for other purposes.

Referred to the Transportation Committee.

The following House legislation was read the first time and referred to committee:

HB 363. By Representatives Murphy of the 23rd, Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to change the requirements regarding replating of private and governmental motor vehicles; to increase the license fee on governmental vehicles; to provide for disposition of the license fee on governmental vehicles; to remove the provisions regarding five-year license plates on governmental vehicles; to change the requirements as to destruction of tags from governmental vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

HB 1023. By Representatives Franklin of the 43rd, Forster of the 3rd, Willard of the 49th, Lane of the 167th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide that a person must have reached the age of majority to contract marriage; to repeal an exception to such age requirement in the case of pregnancy or live birth; to remove an exception to parental consent based upon pregnancy or live birth; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 1145. By Representatives Ralston of the 7th, Mumford of the 95th and Forster of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change provisions relating to mental health proceedings; to provide for definitions; to reorganize certain provisions of the article for clarity; to require a child to be represented by an attorney if the child is being evaluated for competency; to change certain provisions relating to the content of an evaluator's report; to provide for least restrictive environments, where possible; to provide certain information to victims; to provide for disposition where a child will not become competent; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 1170. By Representatives Parsons of the 42nd, Williams of the 4th, Hembree of the 67th, Heard of the 104th, Smith of the 70th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examination fees for application for certificate of registration; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

HB 1250. By Representatives Barnard of the 166th and Greene of the 149th:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, so as to change the repeal date of the "Probation Management Act of 2004"; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 1292. By Representatives Keown of the 173rd, Neal of the 1st, Mills of the 25th, Buckner of the 130th, Borders of the 175th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to

create a prison chaplains appreciation day; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

HB 1366. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HR 1081. By Representatives Smith of the 113th, Ehrhart of the 36th, Harbin of the 118th, Royal of the 171st, Floyd of the 147th and others:

A RESOLUTION creating the Joint Higher Education Finance and Formula Study Committee; and for other purposes.

Referred to the Finance Committee.

HR 1259. By Representative Barnard of the 166th:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across or through property owned by the State of Georgia in Chatham, Coweta, Douglas, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Appropriations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 556 Do Pass

Respectfully submitted,
Senator Hill of the 4th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 531 Do Pass by substitute

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 396	Do Pass by substitute	SB 534	Do Pass by substitute
SB 533	Do Pass by substitute	SB 542	Do Pass by substitute

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 510 Do Pass by substitute

Respectfully submitted,
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 865 Do Pass

Respectfully submitted,
Senator Seabaugh of the 28th District, Chairman

Mr. President:

The Retirement Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 660 Do Pass
HB 809 Do Pass

Respectfully submitted,
Senator Heath of the 31st District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 64 Do Pass by substitute

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1270	Do Pass	SB 566	Do Pass
HB 1322	Do Pass	SB 567	Do Pass
HB 1329	Do Pass	SB 568	Do Pass
HB 1344	Do Pass	SB 569	Do Pass by substitute
SB 276	Do Pass by substitute	SB 577	Do Pass by substitute
SB 500	Do Pass by substitute		

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

Mr. President:

The Veterans and Military Affairs Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HR 1425	Do Pass	SB 538	Do Pass by substitute
SB 523	Do Pass	SB 539	Do Pass

Respectfully submitted,
Senator Douglas of the 17th District, Chairman

The following legislation was read the second time:

SB 423	SB 484	SB 504	SB 535	SB 561	SR 853
SB 429					

Senator Golden of the 8th asked unanimous consent that Senator Meyer von Bremen of the 12th be excused. The consent was granted, and Senator Meyer von Bremen was excused.

Senator Golden of the 8th asked unanimous consent that Senator Brown of the 26th be excused. The consent was granted, and Senator Brown was excused.

Senator Goggans of the 7th asked unanimous consent that Senator Rogers of the 21st be excused. The consent was granted, and Senator Rogers was excused.

The roll was called and the following Senators answered to their names:

Balfour	Hooks	Staton
Bulloch	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tarver
Carter	Kemp	Tate
Chance	Miles	Thomas,D
Chapman	Moody	Thomas,R
Douglas	Mullis	Thompson,C
Goggans	Pearson	Thompson,S
Golden	Powell	Tolleson
Hamrick	Reed	Unterman
Harbison	Schaefer	Weber
Harp	Seabaugh	Whitehead
Heath	Seay	Wiles
Henson	Shafer,D	Williams
Hill,Jack	Smith	Zamarripa
Hill,Judson	Starr	

Not answering were Senators:

Adelman	Brown (Excused)	Fort
Grant	Meyer von Bremen (Excused)	Rogers (Excused)

The members pledged allegiance to the flag.

Senator Thomas of the 2nd introduced the chaplain of the day, Dr. Thomas Williams of Thunderbolt, Georgia, who offered scripture reading and prayer.

The following resolution was read and adopted:

SR 1035. By Senators Thomas of the 2nd and Johnson of the 1st:

A RESOLUTION recognizing and honoring the St. Patrick's Day Parade Committee, Chairman James "Jay" Burke III and the 2006 St. Patrick's Day Parade's Grand Marshal, Anthony "Tony" Thomas Ryan; and for other purposes

Senators Johnson of the 1st and Thomas of the 2nd recognized representatives of the St. Patrick's Day Parade Committee, commended by SR 1035. Grand Marshal Anthony "Tony" Thomas Ryan addressed the Senate briefly.

Senator Pearson of the 51st recognized the family of Noah Harris, commended by SR 779, adopted previously. The President introduced Congressman Nathan Deal. Congressman Deal addressed the Senate briefly and spoke to the resolution.

Senator Goggans of the 7th introduced the doctor of the day, Dr. S. William Clark III.

The President introduced Congressman Sanford Bishop. Congressman Bishop addressed the Senate briefly.

The following resolutions were read and adopted:

SR 1026. By Senators Carter of the 13th and Hooks of the 14th:

A RESOLUTION recognizing and commending Miss Jenna Morgan Stanford, 2006 Georgia Watermelon Queen; and for other purposes.

SR 1029. By Senators Stephens of the 27th and Adelman of the 42nd:

A RESOLUTION commending Mr. Sherwin Glass; and for other purposes.

SR 1031. By Senator Harbison of the 15th:

A RESOLUTION recognizing and commending Dr. Ann L. Hardman; and for other purposes.

SR 1032. By Senator Harbison of the 15th:

A RESOLUTION congratulating Chasity R. Hardman, Miss Columbus 2006; and for other purposes.

SR 1033. By Senator Carter of the 13th:

A RESOLUTION recognizing the Cordele-Crisp County Fish Fry and commending Mr. Ferrell Henry, Mr. Don Tucker, Mr. Zack Wade, and Mr. Joe Cook; and for other purposes.

SR 1036. By Senator Brown of the 26th:

A RESOLUTION welcoming citizens and public officials from Macon and Bibb County, observing February 28, 2006, as Macon Day in Atlanta-Taste of Macon; recognizing the 2006 Cherry Blossom Festival; and for other purposes

Senator Shafer of the 48th asked unanimous consent that the following bill be withdrawn from the Senate Health and Human Services Committee and committed to the Senate Science and Technology Committee:

SB 596. By Senators Shafer of the 48th, Cagle of the 49th, Carter of the 13th, Kemp of the 46th, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Title 31 of the O.C.G.A., relating to health, so as to provide a short title; to provide legislative intent and findings; to provide definitions; to create the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid; to provide for donations and information concerning donations; to provide for certain procedures and costs and fees associated with such bank; to provide for the creation of the Georgia Commission for the Newborn Umbilical Cord Blood Initiative and the membership, appointment, terms of office, and duties of such commission; to provide for certain funding mechanisms; to prohibit human cloning; to provide for civil and criminal penalties; to provide for related matters; to amend Article 3 of Chapter 7 of Title 48 of the O.C.G.A., relating to income tax returns and information, so as to authorize taxpayers to make certain contributions through the income tax payment and refund process; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 596 was committed to the Senate Science and Technology Committee.

The following legislation on the Consent Calendar for Privileged Resolutions was read and adopted:

SR 991. By Senators Harp of the 29th and Grant of the 25th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Allen Hoffmeyer of Georgia College & State University on Academic Recognition Day for 2006; and for other purposes.

SR 992. By Senators Harp of the 29th and Thomas of the 54th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Jennifer M. Caylor of Dalton State College on Academic Recognition Day for 2006; and for other purposes.

SR 993. By Senators Harp of the 29th and Meyer von Bremen of the 12th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Blake K. Willis of Darton College on Academic Recognition Day for 2006; and for other purposes.

SR 994. By Senators Harp of the 29th and Golden of the 8th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Emily R. McGill of Valdosta State University on Academic Recognition Day for 2006; and for other purposes.

SR 995. By Senators Harp of the 29th and Cagle of the 49th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Elizabeth J. Broman of North Georgia College & State University on Academic Recognition Day for 2006; and for other purposes.

SR 996. By Senators Harp of the 29th and Cagle of the 49th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Dwight David Lanier of Gainesville State College on Academic Recognition Day for 2006; and for other purposes.

SR 997. By Senators Harp of the 29th and Tolleson of the 20th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Joy Elizabeth Salter of Middle Georgia College on Academic Recognition Day for 2006; and for other purposes.

SR 998. By Senators Harp of the 29th and Bulloch of the 11th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Joseph M. Kelly of Bainbridge College on Academic Recognition Day for 2006; and for other purposes.

SR 999. By Senators Harp of the 29th and Meyer von Bremen of the 12th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Angelica L. Fowler of Albany State University on Academic Recognition Day for 2006; and for other purposes.

SR 1000. By Senators Harp of the 29th and Fort of the 39th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Brandon Luders of the Georgia Institute of Technology on Academic Recognition Day for 2006; and for other purposes.

SR 1001. By Senators Harp of the 29th and Goggans of the 7th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Drew Davenport of South Georgia College on Academic Recognition Day for 2006; and for other purposes.

SR 1002. By Senators Harp of the 29th and Goggans of the 7th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Darin M. Lane of Waycross College on Academic Recognition Day for 2006; and for other purposes.

SR 1003. By Senators Harp of the 29th and Smith of the 52nd:

A RESOLUTION commending University System of Georgia Outstanding Scholar Adam Lee of Georgia Highlands College on Academic Recognition Day for 2006; and for other purposes.

SR 1004. By Senators Harp of the 29th and Hooks of the 14th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Leigha A. Frady of Georgia Southwestern State University on Academic Recognition Day for 2006; and for other purposes.

SR 1005. By Senators Harp of the 29th and Harbison of the 15th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Edward Howard of Columbus State University on Academic Recognition Day for 2006; and for other purposes.

SR 1006. By Senators Harp of the 29th and Hooks of the 14th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Yolanda C. Anderson of Fort Valley State University on Academic Recognition Day for 2006; and for other purposes.

SR 1007. By Senators Harp of the 29th and Wiles of the 37th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Laura Lynn Mayhew of Kennesaw State University on Academic Recognition Day for 2006; and for other purposes.

SR 1008. By Senators Harp of the 29th and Chance of the 16th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Jeffery Z. Murdock of Gordon College on Academic Recognition Day for 2006; and for other purposes.

SR 1009. By Senators Harp of the 29th and Thomas of the 2nd:

A RESOLUTION commending University System of Georgia Outstanding Scholar Amanda Svendsen of Armstrong Atlantic State University on Academic Recognition Day for 2006; and for other purposes.

SR 1010. By Senators Harp of the 29th and Thomas of the 2nd:

A RESOLUTION commending University System of Georgia Outstanding Scholar Quentin A. Heyward of Savannah State University on Academic Recognition Day for 2006; and for other purposes.

SR 1011. By Senators Harp of the 29th and Johnson of the 1st:

A RESOLUTION commending University System of Georgia Outstanding Scholar Herbert J. Dye III of Coastal Georgia Community College on Academic Recognition Day for 2006; and for other purposes.

SR 1012. By Senators Harp of the 29th and Kemp of the 46th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Melissa Cabinian of the University of Georgia on Academic Recognition Day for 2006; and for other purposes.

SR 1013. By Senators Harp of the 29th and Stoner of the 6th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Barbara Smoot of Southern Polytechnic State University on Academic Recognition Day for 2006; and for other purposes.

SR 1014. By Senators Harp of the 29th and Hill of the 4th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Kathi Lea Garrett of East Georgia College on Academic Recognition Day for 2006; and for other purposes.

SR 1015. By Senators Harp of the 29th and Hill of the 4th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Joseph Daniel Rose of Georgia Southern University on Academic Recognition Day for 2006; and for other purposes.

SR 1016. By Senators Harp of the 29th and Zamarripa of the 36th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Suwaibou Jaiteh of Atlanta Metropolitan College on Academic Recognition Day for 2006; and for other purposes.

SR 1017. By Senators Harp of the 29th and Brown of the 26th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Robbie Parks of Macon State College on Academic Recognition Day for 2006; and for other purposes.

SR 1018. By Senators Harp of the 29th and Weber of the 40th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Seleha Hina Mehmood of Georgia Perimeter College on Academic Recognition Day for 2006; and for other purposes.

SR 1019. By Senators Harp of the 29th, Starr of the 44th and Seay of the 34th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Leigh Beasley of Clayton State University on Academic Recognition Day for 2006; and for other purposes.

SR 1020. By Senators Harp of the 29th and Seabaugh of the 28th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Olanrewaju Y. Jimoh of the University of West Georgia on Academic Recognition Day for 2006; and for other purposes.

SR 1021. By Senators Harp of the 29th, Zamarripa of the 36th and Fort of the 39th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Ava Katherine Ward of Georgia State University on Academic Recognition Day for 2006; and for other purposes.

SR 1022. By Senators Harp of the 29th and Tarver of the 22nd:

A RESOLUTION commending University System of Georgia Outstanding Scholar Kathryn Bayman Cargile of the Medical College of Georgia on Academic Recognition Day for 2006; and for other purposes.

SR 1023. By Senators Harp of the 29th and Tarver of the 22nd:

A RESOLUTION commending University System of Georgia Outstanding Scholar Kalon J. Hinds of Augusta State University on Academic Recognition Day for 2006; and for other purposes.

SR 1024. By Senators Harp of the 29th and Carter of the 13th:

A RESOLUTION commending University System of Georgia Outstanding Scholar Michael Joseph William Maw of Abraham Baldwin Agricultural College on Academic Recognition Day for 2006; and for other purposes.

Senator Chance of the 16th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, February 28, 2006
Twenty-fourth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 577 Kemp of the 46th
 Hudgens of the 47th
 MADISON COUNTY

A BILL to be entitled an Act to amend an Act entitled "An Act to create a board of commissioners of roads and revenues of Madison

County, Georgia," approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended, particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4802), an Act approved March 24, 1988 (Ga. L. 1988, p. 4692), and an Act approved March 30, 1989 (Ga. L. 1989, p. 4716), so as to provide for a quorum; to allow for the vote of the chairperson; to abolish the office of treasurer; to authorize the position of chief financial officer; to provide for salaries and expenses; to provide for the establishment of policies; to provide for public hearings; to provide for a referendum; to provide for the submission of this Act to the United States Department of Justice for approval; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.
(SUBSTITUTE)

HB 1270

Chance of the 16th
Douglas of the 17th
SPAULDING COUNTY

A BILL to be entitled an Act to amend an Act abolishing the fee system as the mode of compensation of the Coroner of Spalding County and providing in lieu thereof a salary for the compensation of such officer, approved March 6, 1962 (Ga. L. 1962, p. 3068), as amended, particularly by an Act approved February 28, 1966 (Ga. L. 1966, p. 2561), an Act approved April 5, 1971 (Ga. L. 1971, p. 3108), an Act approved March 30, 1977 (Ga. L. 1977, p. 4238), an Act approved March 13, 1978 (Ga. L. 1978, p. 3196), an Act approved April 11, 1979 (Ga. L. 1979, p. 3452), an Act approved April 6, 1981 (Ga. L. 1981, p. 4129), an Act approved March 21, 1984 (Ga. L. 1984, p. 4534), and an Act approved March 28, 1986 (Ga. L. 1986, p. 5545), so as to change the compensation of the coroner; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1322

Douglas of the 17th
CITY OF COVINGTON

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in the City of Covington; to provide for a short title; to provide for the purposes of said district or districts; to provide for definitions; to provide for a board to administer said district or districts; to provide for the appointment and election of members of said board or boards; to provide for taxes, fees, and assessments; to provide for establishment of the

boundaries of said district or districts; to provide for a tax cap; to specify conditions whereby the continued existence of the district or districts or the continued existence of any one or more of the powers granted to the district or districts may be terminated; to repeal conflicting laws; and for other purposes.

HB 1329

Douglas of the 17th
CITY OF COVINGTON

A BILL to be entitled an Act to authorize the City of Covington to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following local bill relating to homestead exemptions requires a two-thirds roll-call vote for passage:

HB 1344

Stoner of the 6th
Rogers of the 21st
Hill of the 32nd
Thompson of the 33rd
Wiles of the 37th
COBB COUNTY

A BILL to be entitled an Act to provide for legislative declarations with respect to all local homestead exemptions for all taxing jurisdictions consisting of or located in Cobb County; to repeal conflicting laws; and for other purposes.

The substitute to the following bill was put upon its adoption:

***SB 577:**

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 577:

A BILL TO BE ENTITLED
AN ACT

To amend an Act entitled "An Act to create a board of commissioners of roads and revenues of Madison County, Georgia," approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended, particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4802), an Act approved March 24, 1988 (Ga. L. 1988, p. 4692), and an Act approved March 30, 1989 (Ga. L. 1989, p. 4716), so as to provide for a quorum; to allow for the vote of the chairperson; to abolish the office of treasurer; to authorize the position of chief financial officer; to provide for salaries and expenses; to provide for the establishment of policies; to provide for public hearings; to provide for a referendum; to provide for the submission of this Act to the United States Department of Justice for approval; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "An Act to create a board of commissioners of roads and revenues of Madison County, Georgia," approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended, particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4802), an Act approved March 24, 1988 (Ga. L. 1988, p. 4692), and an Act approved March 30, 1989 (Ga. L. 1989, p. 4716), is amended by striking in its entirety Section 7 and inserting in lieu thereof the following:

"SECTION 7.

Three members of the board, not including the chairperson, shall constitute a quorum and no action shall be taken by the board without the concurring vote of at least three members. A majority vote of the entire board shall control the determination of all policies of the board. All members of the board other than the chairperson shall be required to vote on all questions coming before the board unless a member is disqualified to vote thereon because of conflict of interest or other legal reason. The chairperson shall be authorized to vote only to break a tie vote, unless the chairperson is disqualified to vote thereon because of conflict of interest or other legal reason."

SECTION 2.

Said Act is further amended by striking in its entirety Section 8 and inserting in lieu thereof the following:

"SECTION 8.

The office of county treasurer is abolished, and the board of commissioners is authorized to appoint or employ a county chief financial officer and designate his or her duties."

SECTION 3.

Said Act is further amended by striking in its entirety Section 9 and inserting in lieu thereof the following:

"SECTION 9.

(a)(1) The chairperson of the board of commissioners of Madison County shall receive an annual salary in an amount set by the board of commissioners, payable in equal monthly installments from county funds.

(2) Members of the board other than the chairperson shall receive a salary of \$7,200.00 per annum, plus an additional \$25.00 per month for each full year of service as commissioner, not to exceed an additional \$300.00 per month. Such salary shall be payable in equal monthly installments from county funds.

(3) Whenever the employees covered by the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the salaries of the chairperson and other members of the board shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by the state employees is in different percentages or different amounts as to certain categories of employees, the salaries of the chairperson and other members of the board shall be increased by a percentage or an amount equal to the average percentage or average amount of the general increase in salary granted to the state employees. The periodic changes in the salaries of the chairperson and other members of the board shall become effective six months following the date the cost-of-living increase received by state employees becomes effective.

(4) The vice chairperson of the board of commissioners shall receive an additional \$600.00 per year, payable in equal monthly installments from county funds.

(b) In addition to the salaries provided in subsection (a) of this section, each member of the board, including the chairperson, may receive up to \$1,000.00 per annum in travel expenses. Such travel expenses shall be paid only for out-of-county travel on county business at actual transportation cost while traveling by public carrier or actual miles traveled at the prevailing rate paid per mile by the State of Georgia for its employees when using a personal automobile. Each member shall be paid such travel expenses upon submitting to the clerk of the board a statement of such travel supported by proper vouchers. If a member of the board fails to incur \$1,000.00 in travel expenses, such balance remaining shall not be carried over to the next calendar year."

SECTION 4.

Said Act is further amended by striking in its entirety Section 9A and inserting in lieu thereof the following:

"SECTION 9A.

The office of county manager is created. The county manager shall be appointed by the board of commissioners and shall serve at the pleasure of the board of commissioners. Any person appointed as county manager shall possess administrative qualifications as

evidenced by background or experience in public administration or related fields and such additional qualifications as determined by the board of commissioners. No member of the board of commissioners shall be appointed as county manager during the term of office for which he or she is elected. The county manager shall receive such compensation, expenses, and benefits as fixed by the board. In conformity with policies and procedures established by the board of commissioners, it shall be the duty of the county manager to administer the affairs and day-to-day business of the county, to perform duties of an administrative nature, and to exercise such powers and responsibilities which may be determined by the board and which are not assigned to another person, office, or entity by law or ordinance."

SECTION 5.

Said Act is further amended by striking in its entirety Section 11 and inserting in lieu thereof the following:

"SECTION 11.

At the first meeting in January of each year, the board shall hold, in addition to its regular meeting, a meeting to determine the policies of the board as to its employees, their salaries and duties, and what disciplinary measures shall be taken against employees who have been or are derelict in their duties. In addition to the policies relating to the employees, the board shall also determine its policies as to the building or construction of roads and bridges, not including state or federal highways, and policies as to the repair and upkeep of said roads and bridges. After the adoption of said policies, the same may not be changed or altered in any respect except at a regular meeting of the board at which at least three members are present."

SECTION 6.

Said Act is further amended by striking in its entirety Section 17 and inserting in lieu thereof the following:

"SECTION 17.

The chairperson shall be a part-time employee of Madison County."

SECTION 7.

The governing authority of Madison County shall hold at least three public hearings on the subject of this Act prior to the referendum provided for in Section 8 of this Act. Each such public hearing shall be moderated by a neutral moderator of the governing authority's choice, which may include the Madison County delegation to the General Assembly. The governing authority shall advertise such public hearings, including publishing notice in a newspaper of general circulation throughout the county once a week for two consecutive weeks.

SECTION 8.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Madison County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Madison County for approval or rejection. The election superintendent shall conduct that election at the time of the November, 2006, general election and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Madison County. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act be approved which changes the form of government of Madison County by providing for a part-time chairperson and for the
() NO appointment of a county manager to administer the affairs and day-to-day business of the county?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect on January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Madison County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 9.

The board of commissioners of Madison County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 10.

Sections 1 through 6 of this Act shall become effective only as provided in Section 8 of this Act. All other sections of this Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 11.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 42, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Balfour	Y Hill,Judson	Y Starr
E Brown	Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	E Me V Bremen	Thomas,D
Y Chapman	Miles	Y Thomas,R
E Douglas	Y Moody	Y Thompson,C
Fort	Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Henson	Y Shafer,D	

On the passage of the local bills, the yeas were 42, nays 0.

The bills on the Local Consent Calendar, except SB 577, having received the requisite constitutional majority, were passed.

SB 577, having received the requisite constitutional majority, was passed by substitute.

Senator Staton of the 18th recognized representatives of Macon and Bibb County, commended by SR 1036, adopted previously.

NOTICE OF MOTION TO RECONSIDER:

SB 456 Privacy; mobile telephone usage; unlawful to disseminate information without expressed consent of subscriber; penalties; exception (Substitute)(S&T-37th)

SENATE RULES CALENDAR
TUESDAY, FEBRUARY 28, 2006
TWENTY-FOURTH LEGISLATIVE DAY

- SB 376 Jury Duty; exemption of certain spouses/children of deceased military persons; define term (PF) (Substitute)(JUDY-17th)
- SB 419 Lottery Proceeds; provide method to recover delinquent child support payments; change certain provisions (Substitute)(S JUDY-29th)
- SB 427 Public Retirement Systems Investment Authority Law; define terms; alternative investments (Substitute)(RET-32nd)
- SB 454 Law Enforcement Vehicles; require patrol vehicle markings for Georgia State Patrol (PS&HS-17th)
- SB 522 Amy's Law; disposition for delinquent acts; change certain provisions (Substitute)(JUDY-30th)
- SB 413 Compulsory School Attendance Law; exemptions; provide local board of education policies; minimum annual attendance; change provisions (Substitute)(ED&Y-56th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

Senator Rogers of the 21st asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

The following legislation was read the third time and put upon its passage:

- SB 376. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide an exemption for certain spouses and children of certain deceased military persons; to define a certain term; to repeal conflicting laws; and for other purposes.

The Senate Judiciary Committee offered the following substitute to SB 376:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide an exemption for certain spouses and children of certain deceased military persons; to provide for definitions; to provide for limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, is amended by inserting at the end thereof the following:

"(d)(1) As used in this subsection, the term:

(A) 'Official written verification' means a document issued by the United States Department of Defense stating a deceased's qualification to hazardous duty pay and the deceased's date of death.

(B) 'Qualified child' means a person between the ages of 18 and 21 who is the child of any person killed after September 11, 2001, while on ordered federal duty while in a status which qualified the deceased to hazardous duty pay.

(C) 'Qualified spouse' means a surviving unremarried spouse of any person killed after September 11, 2001, while on ordered federal duty while in a status which qualified the deceased to hazardous duty pay.

(2)(A) A qualified spouse who presents a copy of his or her marriage certificate; or
(B) A qualified child who presents a copy of his or her birth certificate or adoption certificate

who requests to be excused or deferred from jury duty shall be excused from jury duty upon presentation of a copy of an official written verification.

(3) The exemption or deferral provided by this subsection shall apply for five years as measured from the date of death."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 40, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	E Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Reed	E Weber
Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 49, nays 0.

SB 376, having received the requisite constitutional majority, was passed by substitute.

Senator Carter of the 13th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

SB 419. By Senators Harp of the 29th, Hudgens of the 47th, Shafer of the 48th, Tolleson of the 20th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to setoff of debt collection against lottery prizes, so as to provide a method to recover delinquent child support payments from certain lottery proceeds; to amend Chapter 6 of Title 19 of the Official Code of Georgia Annotated, relating to alimony and child support generally, so as to require the child support enforcement agency to present claims for delinquent child support with the Georgia Lottery Corporation for the protection of the interest of the state and families owed

delinquent due child support; to change certain provisions relating to said articles; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

The Senate Special Judiciary Committee offered the following substitute to SB 419:

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to setoff of debt collection against lottery prizes, so as to provide a method to recover delinquent child support payments from certain lottery proceeds; to change certain provisions relating to said article; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to setoff of debt collection against lottery prizes, is amended by striking Code Section 50-27-55, relating to applicability of article to prizes of \$5,000.00 or more, and inserting in its place a new Code Section 50-27-55 to read as follows:

"50-27-55.

The provisions of this article shall only apply to prizes of \$5,000.00 or more and shall not apply to any retailers authorized by the board to pay prizes of up to \$5,000.00 after deducting the price of the ticket or share; excepting that a claim for delinquent child support filed by the Child Support Enforcement Agency of the Department of Human Resources shall apply to all prizes of \$2,500.00 or more."

SECTION 2.

This Act shall become effective on July 1, 2006, and shall apply to prizes awarded on or after that date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	E Me V Bremen	Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

SB 419, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:

Senator Nancy Schaefer
District 50
323-A Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:

Retirement
Banking and Financial Institutions
Economic Development
Ethics
Special Judiciary

The State Senate
Atlanta, Georgia 30334

February 28, 2006

Mr. Secretary,

It appeared I did not vote on SB 419. I voted right at the beginning I thought. Please alter my no vote to a vote for SB 419.

Thank you,

/s/ Nancy Schaefer
District 50

SB 427. By Senators Hill of the 32nd, Smith of the 52nd, Hudgens of the 47th, Hill of the 4th, Harp of the 29th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 20 of Title 47 of the O.C.G.A., the "Public Retirement Systems Investment Authority Law," so as to define certain terms; to provide that certain public retirement systems may invest retirement system assets in certain types of alternative investments, private placements, and other private investments; to provide that such investments may be made up to a certain amount; to shield information related to such investment from public scrutiny; to provide for a code of ethics; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure exempting legal authority, so as to exempt certain public records from public inspection; to repeal conflicting laws; and for other purposes.

The Senate Retirement Committee offered the following substitute to SB 427:

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to define certain terms; to provide that certain public retirement systems may invest retirement system assets in certain types of alternative investments, private placements, and other private investments; to provide that such investments may be made up to a certain amount; to shield information related to such investment from public scrutiny; to provide for a code of ethics; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure exempting legal authority, so as to exempt certain public records from public inspection; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," is amended by inserting at the end thereof a new Code section to read as follows:

"47-20-87.

(a) As used in this Code section, the term:

(1) 'Alternative investments' means the following investments:

(A) Privately placed investment pools, including, without limitation, private investment funds, such as:

- (i) Leveraged buyout funds;
- (ii) Mezzanine funds;
- (iii) Workout funds;
- (iv) Debt funds;
- (v) Venture capital funds;
- (vi) Merchant banking funds; and
- (vii) Funds of funds and secondary funds

that include investments in privately placed investment pools described in this subparagraph, in each case whether structured as a partnership, limited liability company, trust, corporation, joint venture, or other entity or investment vehicle of any type; organized or operating in one of the states or territories of the United States or outside the United States; such pool will invest in the United States or outside the United States or any combination thereof; or such pool makes investments of the type described in subparagraph (B) of this paragraph or other investments of any type or any combination thereof;

(B) Private placements and other private investments, including without limitation:

- (i) Leveraged buyouts;
- (ii) Venture capital investment;
- (iii) Equity investments, including, without limitation, preferred and common stock;
- (iv) Warrants;
- (v) Options;
- (vi) Private investments in public securities;
- (vii) Recapitalizations;
- (viii) Privatizations;
- (ix) Mezzanine debt investments;
- (x) Distressed debt and equity investments, including, without limitation, cases in which the investor may take control of the issuer;
- (xi) Other debt investments, whether secured or unsecured, senior or subordinated, recourse or nonrecourse, convertible, or otherwise;
- (xii) Convertible securities;
- (xiii) Receivables;
- (xiv) Interests, as such term is referred to in Sections 501 and 502 of Title 11 of the United States Code;

(xv) Claims, as such term is defined in paragraph (5) of Section 101 of Title 11 of the United States Code;

(xvi) Debt and equity derivative instruments of all types; and

(xvii) All other debt and equity private placements of all types, in each case whether

issued by a partnership, limited liability company, trust, corporation, joint venture, or other entity or vehicle of any type or whether the issuer is organized or does business in one of the states or territories of the United States or outside the United States; and

(C) Any distribution in kind received by an eligible large retirement system in connection with any investment described in subparagraphs (A) and (B) of this paragraph.

(2) 'Eligible large retirement system' shall be a large retirement system as defined in subsection (a) of Code Section 47-20-84; provided, however, that such term shall not include the Teachers Retirement System of Georgia.

(b) In addition to the eligible investments authorized by Code Section 47-20-82, and without applicability of any restrictions set forth in Code Sections 47-20-83 and 47-20-84, an eligible large retirement system is authorized to invest in alternative investments in accordance with the provisions of this Code section. Further, when provisions of Code Section 47-20-83 or 47-20-84 or any provisions of this article other than this Code section limit a particular form of investment to a certain percentage of retirement system assets, the denominator will include alternative investments with all other investments, but the numerator for any such calculation will not include any alternative investments, even if any such alternative investment is of a like kind as the investments that are included in the numerator.

(c) An alternative investment may not exceed in any case 20 percent of the aggregate amount of:

(1) The capital to be invested in the applicable private pool, including all parallel pools and other related investment vehicles established as part of the investment program of the applicable private pool; and

(2) The securities being issued in the applicable private placement, in each case determined at the time such alternative investment is initially either made or committed to be made, as applicable, but taking into consideration any investments that have previously been or are concurrently being made or committed to be made.

Each alternative investment by an eligible large retirement system shall have previously been or shall be concurrently made or committed to be made by at least four other investors not affiliated with the issuer. Such four other investors shall be investing on substantially the same terms and conditions as those applicable to the investment by the eligible large retirement system to the extent such other investors are similarly situated with the eligible large retirement system. Alternative investments shall only be made in private pools and issuers that have at least \$100 million in assets, including committed capital, at the time the investment is initially made or committed to be made by an eligible large retirement system.

(d) Alternative investments by an eligible large retirement system may not in the aggregate exceed 5 percent of the retirement system assets at any time. The board of trustees of an eligible large retirement system shall have the discretion to designate whether any investment that is permitted to be made as an alternative investment pursuant to this Code section and is also permitted to be made as an investment pursuant to Code Section 47-20-83 shall be treated for purposes of the 5 percent limitation and otherwise as an alternative investment made pursuant to this Code section or as an investment made pursuant to Code Section 47-20-83. If the eligible large retirement system is not in compliance with the limitations imposed by this subsection, it shall make a good faith effort to come into compliance within two years and in any event as soon as practicable thereafter; provided, however, that during any period of noncompliance the eligible large retirement system shall not increase the percentage of its assets committed to be invested in alternative investments but shall be permitted during such period to continue to make investments as required by the then existing commitments of the eligible large retirement system to alternative investments made before the period of noncompliance.

(e) The provisions of this subsection shall apply only to the Employees' Retirement System of Georgia. New commitments to alternative investments may not in the aggregate exceed 1 percent of the retirement system assets in any calendar year until the first occurrence that 4 1/2 percent of the retirement system assets are invested in alternative investments, at which time there shall be no limit on the percentage of commitments that may be made in any calendar year, subject to compliance with the other provisions of this Code section.

(f)(1) For purposes of this subsection, the term 'information' shall include, without limitation, preinvestment and postinvestment diligence information, including reviews and analyses prepared or provided by the issuer of a potential or actual alternative investment or prepared by or for an eligible large retirement system or otherwise relating to a potential or actual alternative investment.

(2) In addition to those records that are exempted from being open to inspection by the general public under Code Section 47-1-14 and except as otherwise provided in this subsection, an eligible large retirement system may in its discretion treat as confidential and withhold from public inspection and disclosure all information prepared or provided by the issuer of a potential or actual alternative investment or prepared by or for an eligible large retirement system or otherwise relating to a potential or actual alternative investment and held by an eligible large retirement system and may agree in making an alternative investment to treat such information as confidential and withhold it from public inspection and disclosure.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, an eligible large retirement system shall make publicly available the following information, but only to the extent the following information is otherwise available or maintained by said eligible large retirement system in the normal course and only after a period of one year from the date such records were created:

(A) The name of any alternative investment in which the eligible large retirement

system has invested; excluding, in the case of an alternative investment in a privately placed investment pool, any information concerning the investments made by such privately placed investment pool;

(B) The date the eligible large retirement system first invested in an alternative investment described in paragraph (1) of this subsection;

(C) The aggregate amount of money, expressed in dollars, the eligible large retirement system has invested in alternative investments as of the end of any fiscal quarter;

(D) The aggregate amount of money and the value of any in kind or other distribution, in each case, expressed in dollars, the large retirement system received from alternative investments;

(E) The internal rate of return or the result under any other such standard used by the eligible large retirement system in connection with alternative investments for the asset class and for the period for which the return or standard was calculated; and

(F) The remaining cost of alternative investments in which the eligible large retirement system has invested as of the end of any fiscal quarter.

(4) The provisions of this Code section shall not restrict access to information and records under process of law or by officers otherwise entitled to them for official purposes, but such information and records shall have the same confidential status under process or with such officers as it does in the hands of an eligible large retirement system, and such officers shall respect such confidentiality to the extent consistent with their separate powers and duties.

(g) Unless the information has been publicly released, preinvestment and postinvestment diligence information, including reviews and analyses, prepared or maintained by the large retirement system or by an alternative investment firm is confidential and exempted from being open to inspection by the general public pursuant to Article 4 of Chapter 18 of Title 50, except to the extent it is subject to disclosure from the requirements of subsection (f) of this Code section.

(h) The respective boards of trustees of eligible large retirement systems making investments authorized by this Code section shall adopt a code of ethics for the consideration of and investment in and disposition of alternative investments.

(i) Funds invested pursuant to this Code section and any return on such investment shall remain funds of the retirement system."

SECTION 2.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure of exempting legal authority, is amended by striking the word "or" at the end of paragraph (18) of subsection (a), by striking the period at the end of paragraph (19) of subsection (a) and inserting in lieu thereof the symbol and word "; or", and by inserting at the end of subsection (a) the following:

"(20) Records that are expressly exempt from public inspection pursuant to Code Sections 47-1-14 and 47-20-87."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The following Fiscal Note, as required by law, was read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 1-156
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

January 31, 2006

The Honorable Judson Hill
State Senator
Paul D. Coverdell Office Building, Room 327-B
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification
Substitute to Senate Bill 427
(LC 21 8683S)

Dear Senator Hill:

This bill would amend provisions relating to the Public Retirement Systems Investment Authority Law. Specifically, this bill would define the term 'alternative investments' and would allow 'eligible large retirement systems' to make such alternative investments. This bill would also provide limits regarding the amount of assets that may be invested in alternative investments. Under the provisions of this bill, alternative investments, in the aggregate, may not exceed 5% of the retirement system assets at any time. In the event a system is out of compliance with the limitations, this bill provides provisions for the system to come back into compliance. Furthermore, this bill would provide for confidentiality of certain documents that are used in determining which alternative investments to hold. It should be noted that this legislation excludes the Teachers Retirement System from participating in such investment practices.

This is to certify that this substitute bill is a nonfiscal bill as defined in the Public Retirement Systems Standards Law.

Respectfully,

/s/ Russell W. Hinton
State Auditor

On the adoption of the substitute, the yeas were 40, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
N Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 3.

SB 427, having received the requisite constitutional majority, was passed by substitute.

SB 454. By Senators Douglas of the 17th and Kemp of the 46th:

A BILL to be entitled an Act to amend Code Section 40-8-91 of the Official Code of Georgia Annotated, relating to marking and equipment of law enforcement vehicles, so as to require patrol vehicle markings for Georgia State Patrol vehicles and exclude other vehicles used by the Department of Public Safety from the marking requirements; to increase the number of solid color marked vehicles allowed per post; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
E Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 0.

SB 454, having received the requisite constitutional majority, was passed.

Senator Seay of the 34th asked unanimous consent that Senator Fort of the 39th be excused. The consent was granted, and Senator Fort was excused.

Senator Seay of the 34th asked unanimous consent that Senator Tate of the 38th be excused. The consent was granted, and Senator Tate was excused.

Senator Tolleson of the 20th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Shafer of the 48th be excused. The consent was granted, and Senator Shafer was excused.

SB 522. By Senators Hamrick of the 30th, Seabaugh of the 28th and Unterman of the 45th:

A BILL to be entitled an Act to provide for a short title; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change certain provisions relating to disposition for certain delinquent acts; to change provisions relating to a juvenile court judge's authority in setting a commitment disposition for certain delinquency cases; to provide for the manner in which the Department of Juvenile Justice may discharge certain juveniles; to amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to change certain provisions relating to commitment of delinquent or unruly children and their discharge from commitment; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate Judiciary Committee offered the following substitute to SB 522:

A BILL TO BE ENTITLED
AN ACT

To provide for a short title; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to change certain provisions relating to disposition for certain delinquent acts; to change provisions relating to a juvenile court judge's authority in setting a commitment disposition for certain delinquency cases; to provide for the manner in which the Department of Juvenile Justice may discharge certain juveniles; to amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, so as to change certain provisions relating to commitment of delinquent or unruly children and their discharge from commitment; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Amy's Law."

SECTION 2.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking Code Section 15-11-70, relating to duration and termination of orders of disposition for delinquent or unruly children and extensions of such orders, and inserting in lieu thereof the following:

"15-11-70.

(a) Except as ~~otherwise provided by law~~ in subsection (b) of this Code section, an order of disposition committing a delinquent or unruly child to the Department of Juvenile Justice continues in force for two years or until the child is sooner discharged by the Department of Juvenile Justice. The court which made the order may extend its duration for an additional two years subject to like discharge, if:

- (1) A hearing is held upon motion of the Department of Juvenile Justice prior to the expiration of the order;
- (2) Reasonable notice of the factual basis of the motion and of the hearing and an opportunity to be heard are given to the child and the parent, guardian, or other custodian; and
- (3) The court finds that the extension is necessary for the treatment or rehabilitation of the child.

(b) If the court commits a delinquent child to the Department of Juvenile Justice for a delinquent act which if done by an adult would be punishable by loss of life or confinement for life in a penal institution, then the court's commitment may continue until the child's twenty-first birthday. Any child committed to the Department of Juvenile Justice under the provisions of this subsection shall not be discharged from the custody of the Department of Juvenile Justice unless a motion for early release is granted by the court. The court which made the order of commitment may shorten the duration of its order if:

- (1) A hearing is held prior to the expiration of the order upon motion of a party or on the court's own motion;
- (2) Reasonable notice of the factual basis of the motion and of the hearing and an opportunity to be heard are given to the parties affected; and
- (3) The court finds that the discharge is necessary to accomplish the purposes of the original order and for the treatment or rehabilitation of the child.

~~(b)(c)~~ Except as ~~otherwise provided by law~~, in subsection (b) of this Code section, any other order of disposition in a proceeding involving delinquency or unruliness, except an order involving the appointment of a guardian of the person or property of a child, continues in force for not more than two years. The court may sooner terminate its order or extend its duration for further periods. An order of extension may be made if:

- (1) A hearing is held prior to the expiration of the order upon motion of a party or on the court's own motion;
- (2) Reasonable notice of the factual basis of the motion and of the hearing and

opportunity to be heard are given to the parties affected;

(3) The court finds that the extension is necessary to accomplish the purposes of the order extended; and

(4) The extension does not exceed two years from the expiration of the prior order.

~~(e)~~(d) The court may terminate an order of disposition of a child adjudicated as delinquent or unruly or an extension of such a disposition order prior to its expiration, on or without an application of a party, if it appears to the court that the purposes of the order have been accomplished.

~~(d)~~(e) Unless otherwise provided by law, when a child who has been adjudicated as delinquent or unruly reaches 21 years of age all orders affecting him or her then in force terminate and he or she is discharged from further obligation or control."

SECTION 3.

Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department of Juvenile Justice, is amended by striking subsection (e) of Code Section 49-4A-8, relating to commitment of delinquent or unruly children and their discharge from commitment, and inserting in lieu thereof the following:

"(e) Except as provided by subsection (e.1) of this Code section and subsection (b) of Code Section 15-11-70, when a delinquent or unruly child has been committed to the department for detention and a diagnostic study for the purpose of determining the most satisfactory plan for the child's care and treatment has been completed, the department may:

(1) Permit the child liberty under supervision and upon such conditions as the department may believe conducive to acceptable behavior;

(2) Order the child's confinement under such conditions as the department may believe best designed to serve the child's welfare and as may be in the best interest of the public;

(3) Order recommitment or renewed release as often as conditions indicate to be desirable;

(4) Revoke or modify any order of the department affecting the child, except an order of final discharge, as often as conditions indicate to be desirable; or

(5) Discharge the child from control of the department pursuant to subsection (a) of Code Section 15-11-70 when it is satisfied that such discharge will best serve the child's welfare and the protection of the public."

SECTION 4.

This Act shall become effective on July 1, 2006, and shall apply to all delinquent acts occurring on or after July 1, 2006.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Senator Hamrick of the 30th offered the following amendment:

Amend the Senate Judiciary Committee substitute to SB 522 by striking lines 7 and 8 of page 2 and inserting in lieu thereof the following:

delinquent act which if done by an adult would be the crime of murder, then the court's commitment may continue until the child's

On the adoption of the amendment, the yeas were 36, nays 0, and the Hamrick amendment was adopted.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	C Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	E Starr
E Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Tarver
Y Carter	Y Kemp	E Tate
Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
E Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	E Shafer,D	

On the passage of the bill, the yeas were 45, nays 0.

SB 522, having received the requisite constitutional majority, was passed by substitute.

Senator Unterman of the 45th recognized the family of Martha Talbot Eaves, commended by SR 951, adopted previously. Ms. Casey Eaves addressed the Senate briefly.

Senator Adelman of the 42nd asked unanimous consent that Senator Thompson of the 5th be excused. The consent was granted, and Senator Thompson was excused.

The Calendar was resumed.

SB 413. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Thomas of the 2nd, Fort of the 39th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to change certain provisions relating to mandatory education for children between ages six and 16; to provide that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian; to require parent or guardian approval; to provide for a conference with the principal; to provide for local board of education policies; to change certain provisions relating to the minimum annual attendance required; to change certain provisions relating to exemptions from compulsory attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 413:

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, so as to clarify certain provisions relating to mandatory education; to provide that an unemancipated minor older than the age of mandatory attendance may not withdraw from enrollment in school without the permission of his or her parent or guardian; to require parent or guardian approval; to provide for a conference with the principal; to provide for local board of education policies; to change certain provisions relating to the minimum annual attendance required; to change certain provisions relating to exemptions from compulsory attendance; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the compulsory school attendance law, is amended by striking Code Section 20-2-690.1, relating to mandatory education for children between ages six and 16, and

inserting in lieu thereof the following:

"20-2-690.1.

(a) Mandatory attendance in a public school, private school, or home school program shall be required for children ages six through 15. Such mandatory attendance shall not be required where the child has successfully completed all requirements for a high school diploma.

(b) Every parent, guardian, or other person residing within this state having control or charge of any child or children ~~between their sixth and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of this Code section shall enroll and send such child or children to a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program; and such child shall be responsible for enrolling in and attending a public school, a private school, or a home study program that meets the requirements for a public school, a private school, or a home study program under such penalty for noncompliance with this subsection as is provided in Chapter 11 of Title 15, unless the child's failure to enroll and attend is caused by the child's parent, guardian, or other person, in which case the parent, guardian, or other person alone shall be responsible; provided, however, that tests and physical exams for military service and the National Guard and such other approved absences shall be excused absences. The requirements of this subsection shall apply to a child ~~between his or her seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of this Code section who has been assigned by a local board of education or its delegate to attend an alternative public school program established by that local board of education, including an alternative public school program provided for in Code Section 20-2-154.1, regardless of whether such child has been suspended or expelled from another public school program by that local board of education or its delegate, and to the parent, guardian, or other person residing in this state who has control or charge of such child. Nothing in this Code section shall be construed to require a local board of education or its delegate to assign a child to attend an alternative public school program rather than suspending or expelling the child.

(c) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not less than \$25.00 and not greater than \$100.00, imprisonment not to exceed 30 days, community service, or any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. After two reasonable attempts to notify the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence without response, the school system shall send a notice to such parent, guardian, or other person by certified mail, return receipt requested. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public

school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, to such parent, guardian, other person who has control or charge of a child, or children. Public schools shall retain signed copies of statements through the end of the school year.

~~(e)~~(d) Local school superintendents in the case of private schools or home study programs and visiting teachers and attendance officers in the case of public schools shall have authority and it shall be their duty to file proceedings in court to enforce this subpart.

(e) An unemancipated minor who is older than the age of mandatory attendance as required in subsection (a) of this Code section who has not completed all requirements for a high school diploma who wishes to withdraw from school shall have the written permission of his or her parent or legal guardian prior to withdrawing. Prior to accepting such permission, the school principal or designee shall convene a conference with the child and parent or legal guardian within two school days of receiving notice of the intent of the child to withdraw from school. The principal or designee shall share with the student and parent or guardian the opportunity to pursue a general educational development (GED) diploma and the consequences of not having earned a high school diploma, including lower lifetime earnings, fewer jobs for which the student will be qualified, and the inability to avail oneself of higher educational opportunities. Every local board of education shall adopt a policy on the process of voluntary withdrawal of unemancipated minors who are older than the mandatory attendance age. The policy shall be filed with the Department of Education no later than January 1, 2007. The Department of Education shall provide annually to all local school superintendents model forms for the parent or guardian signature requirement contained in this subsection and updated information from reliable sources relating to the consequences of withdrawing from school without completing all requirements for a high school diploma. Each local school superintendent shall provide such forms and information to all of its principals of schools serving grades six through twelve for the principals to use during the required conference with the child and parent or legal guardian."

SECTION 2.

Said subpart is further amended by striking Code Section 20-2-691, relating to minimum annual attendance required, and inserting in its place the following:

"20-2-691.

The minimum session of annual school attendance required under this subpart shall be

for the full session or sessions of the school which the child is eligible to attend. Such attendance shall not be required where the child has successfully completed all requirements for a high school diploma grades."

SECTION 3.

Said subpart is further amended by striking Code Section 20-2-693, relating to exemptions to compulsory attendance, and inserting in its place the following:

"20-2-693.

(a) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance in public school by county or independent school system boards in accordance with general policies and regulations promulgated by the State Board of Education shall be exempt from this subpart. The state board, in promulgating its general policies and regulations, shall take into consideration sickness and other emergencies which may arise in any school community.

(b) Children ~~between their seventh and sixteenth birthdays~~ during the ages of mandatory attendance as required in subsection (a) of Code Section 20-2-690.1 who are excused from attendance at private schools or home study programs for sickness or emergencies or for other reasons substantially the same as the reasons for excused absences from attendance at public school authorized by state board policy pursuant to subsection (a) of this Code section shall be exempt from this subpart."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senators Schaefer of the 50th, Rogers of the 21st, Williams of the 19th and Seabaugh of the 28th offered the following amendment #1:

Amend the Senate Education and Youth Committee substitute to SB 413 (LC 33 1354S) by inserting after "attendance;" on line 8 of page 1 the following:

to amend Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school attendance, so as to require written parental or legal guardian permission for membership in a specific club or activity; to provide for adoption of policies and procedures by local boards of education to provide information regarding school sponsored clubs and extracurricular activities to parents and legal guardians; to provide that local school systems shall comply with written notification from parents and legal guardians withholding permission for participation; to require annual permission for club membership and participation in activities;

By inserting between lines 17 and 18 of page 4 the following:

SECTION 4.

Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,

relating to school attendance, is amended by inserting a new subpart to be designated Subpart 2A to read as follows:

"Subpart 2A

20-2-705.

(a) Each local board of education shall adopt policies and procedures for notifying parents or guardians of students regarding school sponsored clubs and extracurricular activities, and providing an opportunity for parents or guardians to withhold permission for a child to join designated clubs or participate in designated activities. An annual notification utilizing the student handbook or other appropriate method regarding school sponsored clubs shall include without limitation the name of the club, mission or purpose of the club, name of the club's faculty advisor, and a description of past or planned activities. A similar notification regarding extracurricular activities shall include without limitation the mission or purpose of the extracurricular activity, name of the faculty advisor, and a description of planned programs or actions. Each local school system shall comply with the written notification from a parent or guardian who has withheld permission for a child to join a club or participate in an activity, and shall not allow a child to join a club or participate in an activity in contravention of written notification from the child's parent or guardian forbidding such club or activity.

(b) All clubs, programs, or extracurricular activities occurring on school property or sponsored by schools, school staff, or students shall require written parental or legal guardian permission for membership in each specific club or activity.

(c) Beginning with the 2006-2007 school year, each local school system shall obtain written parental or legal guardian permission for a student to participate in or be a member of a school sponsored club or extracurricular activity. Each local school system shall obtain this permission at the beginning of each school year."

By redesignating Section 4 as Section 5.

Senator Thomas of the 2nd requested a ruling of the Chair as to the germaneness of the amendment #1.

The President ruled the amendment germane.

Senator Adelman of the 42nd appealed the ruling of the Chair.

The President deferred to the Senate Parliamentarian, President Pro Tempore Johnson of the 1st.

The Senate Parliamentarian concurred with the ruling of the Chair.

On the adoption of the amendment, the yeas were 33, nays 9, and the Schaefer of the 50th et al. amendment #1 was adopted.

Senators Kemp of the 46th and Thompson of the 33rd offered the following amendment #2:

Amend the Senate Education and Youth Committee substitute to SB 413 by striking the word "To" at the beginning of line 1 on page 1 and inserting in place thereof the following:

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education; to

By striking all matter on line 8 of page 1 and inserting in place thereof the following:

provisions relating to exemptions from compulsory attendance; to amend Part 5 of Article 22 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to school buses, so as to provide for school bus pickup schedules; to provide for related

By inserting a new Section 3.1 to read as follows:

SECTION 3.1.

Part 5 of Article 22 of Chapter 2 of Title 20, relating to school buses, is amended by striking Code Section 20-2-1127, relating to a schedule of school bus routes, in its entirety and inserting in place thereof the following:

"20-2-1127.

~~Each public school system in this state shall make accessible a schedule of school bus routes that indicate the morning pickup route beginning time and the afternoon school bell time as well as the total number of stops on each school bus route. The time for the bus arrival at each stop will be commensurate with the route beginning time and prescribed stop sequence, except in unforeseen circumstances. This provision shall not apply to portal to portal special needs student transportation or special alternative instructional transportation programs~~ Reserved."

On the adoption of the amendment, the yeas were 48, nays 2, and the Kemp, Thompson of the 33rd amendment #2 was adopted.

On the adoption of the substitute, the yeas were 34, nays 4, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Adelman
Y Balfour
E Brown

Y Hill,Jack
Y Hill,Judson
Y Hooks

Y Smith
Y Starr
Y Staton

Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	E Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	E Thompson,C
E Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
N Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	N Zamarripa
N Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 9.

SB 413, having received the requisite constitutional majority, was passed by substitute.

Senator Douglas of the 17th asked unanimous consent that the following bill be withdrawn from the Senate Judiciary Committee and committed to the Senate Public Safety and Homeland Security Committee:

SB 606. By Senators Douglas of the 17th, Grant of the 25th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals, memorial services, or funeral processions; to provide for legislative intent; to provide for the elements of such offense; to provide for a criminal penalty; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 606 was committed to the Senate Public Safety and Homeland Security Committee.

The following communication was received by the Secretary:

Senator Horacena Tate
District 38
110 State Capitol
Atlanta, GA 30334

Committees:
Appropriations
Health and Human Services
Retirement
State and Local Governmental Operations

The State Senate
Atlanta, Georgia 30334

TO: Mr. Bob Ewing
Secretary of the Senate

FROM: Dr. Horacena Tate
Senator, 38th District

Mr. Ewing

I was in attendance for today's morning Roll Call however, I had to temporarily leave the Capitol. I had asked a fellow Senator to excuse me before we began the Calendar, but there seems to be a question of whether I was actually excused before we began voting on the Calendar.

I am requesting that it be noted in the record that my request to be excused was done so after the Pastor of the Day and before the call to begin the Calendar. I hope that my voting record also reflects the same.

Thank you in advance for your consideration.

/s/ Horacena Tate

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Wednesday, March 1, 2006.

The motion prevailed, and the President announced the Senate adjourned at 12:40 p.m.